FOR MYSORE STATE

Home (1952) Department.

(15) (15)

Rr SERIES.

G.O. NO. 2901

Passed K&R

Dated 1-10-1952

[Despatch Abstract.]

Medical Department.

From

Dr.P.Arumachalam. M.D., M.R.C.P.(L), T.D.D.(W), D.M.R.(L),
Director of Medical Services, Madras.

To

The Secretary to Government,
Health Department, Madras.

ASSISTANT SECRETARY
31 AUG 1952
HEALTH DEPARTMENT

Ref.No.88371-M/52 Dated 28th August 1952.

Sir,

Sub: Cases - Criminal - Madras Prevention of Adulteration Act - c.c.132/52 of Sty. II class Magistrate, Kasaragod (S.Kanara Dt) - low fine - Revision to High Court for enhancement of fine requested.

-:-

I forward herewith a letter No.RC.9510-2/52-D2 dated 26th August 1952 received from the Government Analyst, Guindy on the subject cited above for the consideration of the Govern-

Yours faithfully,

For Director of Medical Services, Madras.

88371

REGISTERED

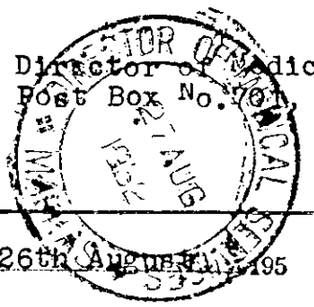
T.F. 32—10,59 181—5-11-49.

Department | Received ..... Registered .....

From (Name) Sri S. Narayana Iyer
MA.,AIISc., FRIC.,
Designation Government Analyst,
Station Guindy, Madras-15.

To

The Director of Medical Services,
Post Box No. 701, Madras-6.



Enclosures: RC. No. 9510- 2/52-D2, dated 26th August 1952

Sir,

Sub:- Cases Criminal - Madras Prevention of Adulteration Act - c.c.132/52 of Sty. II class Magistrate, Kasaragod (S.Kanara Dt) - low fine - Revision to High Court for enhancement of fine requested.

A milk vendor in Kasaragod Pt.Bd. (S.Kanara Dt) was charged by the Sanitary Inspector for the sale of buffalo milk adulterated with 21% added water -- an offence under Rule 29 read with Rule 27 -- and was fined only a small sum of Rs.10/-. A copy of judgment of the Sty. II class Magistrate, Kasaragod, in c.c.132/52 is enclosed.

The number of samples which the local body is allowed to send in a month is limited and all vendors are not likely to be sampled even once a year. The price of milk, which is an essential article of food especially for children and invalids, has considerably increased and the adulterant, viz., water, costs nothing. The profits made by fraudulent means enable the vendor to readily pay off trivial fines of Rs.10 or Rs.15, which cannot act as a deterrent. The admission by the accused of his guilt does not mitigate the seriousness of the offence.

It may also be stated that the District of South Kanara (Mangalore, Udipi and Kasaragod work the Act in this district) is having the worst record so far as adulteration of food is concerned and a heavy fine is called for. The percentage of adulterated samples in the last four years is given below:-

Year	Percentage of adulterated samples.
1948 - 49 ..	64.2
1949 - 50 ..	62.2
1950 - 51 ..	67.1
1951 - 52 ..	55.3

As per Government Memo No. 6275 P3/52-5 dated 23-5-1952 Government may kindly be requested to move the High Court in revision for enhancement of the sentence.

Yours faithfully,

S. Narayana Iyer

GOVERNMENT ANALYST.

sr.

Copy of judgment in c.c. 132/52 of Sty. II ClassMagistrate, Kasaragod, dated 15-7-1952 (sample No.309/52). 74

Accused:- Shivaram Shetty.

JUDGMENT.

This is a complaint filed by the Sanitary Inspector, Kasaragod Panchayat Board, against Shivarama Shetty alleging that he on 23-5-52 sold 12 oz. of buffalo's milk (at about 8 A.M) which when got tested by the Government Analyst was found to have been adulterated with water to the extent of 21% and that he has thereby committed the offence punishable under Rule 29 read with Rule 27 (1) issued under Section 20 of the Madras Prevention of Adulteration Act.

2. The accused when questioned admits the offence. On his own admission I find him guilty of the offence, with which he is charged and convict and sentence him to pay a fine of Rs.10/- only in default to suffer simple imprisonment for one week.

Pronounced in open court.

Sd. ..... 15-7-52.
Sty. II class Magistrate

(TRUE COPY).

S. Narayanan
GOVERNMENT ANALYST.

Cnindy,

Home Deptt.

Σ 16506/7 P III/52] Memo No. 16506/7/III/52.1 dated 13/9/52

Issue

Criminal justice - Criminal ~~justice~~ Revision Petition - C.C. No 132/52 on the file of the Stationary Second class Magistrate, Kasargod - Application

Ref. from the D.M.S., Madras No 88341-M/52 d 28.8.1952.

plcf.

Reference to the P.P., Madras D.M., South Kanara for remarks which he is requested to offer not later than 26.9.1952.

2. The D.M., South Kanara is requested to send two certified copies of the calendar and judgment in C.C. No 132/52 on the file of the Stly Second class Magistrate,

2 ✓

Kasaragod.

dd/13.9.1952 →

To

The D.M., South Kanara

with copy of pp1-3cf and p5cf in original

(✓ with copy of pp1-3cf)

Note:- Date of fragment — 15.7.52 — Z1 p5cf.

Three months time expires on 14.10.52.

2. According to the procedure laid down in para 3 of the G.O. at (Y), the Govt Analyst, Guindy should make his recommendations to the D.M. In this case he has submitted proposals for filing a revision petition to the Govt through the D.M.S. Health Dept supporting the proposals of the Govt Analyst. The remarks of the D.M., South Kanara and of

removed

(Y) - GOMs579 Home 23.2.1946

p3 cf.

p1 cf.

The P.P., Madras may be called for. The draft memo submitted at pp 1-2 ante is for approval

12.9.52

13.9.52

12.9.52

12.9.52

11 52

From
Sri V.T. Rangaswami Ayyangar, B.A.B.L.,
Public Prosecutor,
Madras.

To
The Secretary to Government,
Home Department,
Madras.

Opn.No.184/52 dated 16th Sep.52.

Sir,

Sub:- CRIMINAL JUSTICE - Criminal Revision Petition - C.C.No.132/52 on the file of the Stationary Second Class Magistrate, Kasargod - Forwarding opinion.

With reference to Memorandum No.165067-Prisons III/52-1, Home, dated the 13th September, 1952, I have the honour to give below my opinion.

2. The papers received for reference are herewith returned.

O P I N I O N.

The sentence of fine imposed upon the accused viz., Rs.10/- for having adulterated milk with 21% of water may not be said to be so unreasonably low as to warrant interference in an application by way of revision for enhancement of the sentence.

17038
17-9.

6/12

If however it is felt that there should be some minimum sentence of payment of fine it is as well steps be taken for the imposition of a minimum fine as otherwise the Hkgh Court is reluctant to enhance the fine unless it is ~~xxxxx~~ disproportionately low.

V.T. Raveendran
Public Prosecutor.
16.9.52

N.S.
16/9

Home dept

Submitted for perusal of

MKN-16/9.

[165067/Pt III/52]

Home Department

G.O.Rt.No. 2904 dated 1/10/52

Criminal Justice - ~~Appeal against acquittal~~ Criminal Revision Petition - C.C.No. 132 of 1952 on the file of the Stationary 2nd class Magistrate, Kasargod - Application - Declined.

Read:-

From the D.M.S., Madras No 88371-M/52 d 28.8.1952.

From the P.P., Madras, Opn.No. 184/52 d. 16.9.1952.

ORDER:-

The Govt. do not consider it necessary to move the High Court in revision for the enhancement of the sentence passed by the Stationary 2nd class Magistrate, Kasargod on the accused in C.C.No. 132 of 1952 on his file.

2. A copy of the opinion of the P.P., Madras is forwarded to the D.M.S., Madras for information.

19.9.52

19.9.52

To

The D.M.S., Madras (with copy of pp11-12Cf) Info. Health dept.

Copy to the P.P., Madras

Copy to the D.M., South Kanara (with fenel) ~~is~~ w.r.t. Memo No 165067/Pt III/52-1 Home, d 13.9.52.

pp7-8Cf

pp11-12Cf

Copy to Health Dept (with copy of pp 11-12 Cf)

ASSISTANT SECRETARY 44661 23 SEP 1952 HEALTH DEPARTMENT

19.9.1952

See no need to move for the enhancement of a minimum fine as suggested by the P.P., Madras.

29.9.52

Note:-

The draft order above is in accordance with the opinion of the P.P., Madras at pp11-12Cf. ~~(It does not seem necessary to await the reply of D.M., South Kanara to the Memo at pp7-8Cf.)~~

1. If the Govt. differ from the P.P., Madras and propose to file a Criminal Revision Petition, the Advocate-General should ordinarily be consulted before orders for filing a revision petition are issued.

2. pp12Cf

The date of judgment is 16.7.1952

3 months time expires on 14.10.1952.

~~6 months time expires on~~

3. Health may see for acceptance of the draft orders above and ~~taking action if necessary~~ w.r.t 'Z' on pp12Cf.

2 4

p 12 cf, after taking ~~necessa~~ relevant extracts. If deemed necessary to provide for the imposition of a minimum fine, Health may be requested to take relevant extracts and return this file to this dept.

K/19.9.52

19.9.52

19/9/1952

J.S. Vohra 20/9/52

Ile
19.9.52.

175755
2sly.

Health

Health Dept (P3)

Home no. 165067 PHII/52-1 dt 22.9.1952

Please see the Home Dept. note above. The Central Govt have under contemplation the enactment of a Central Act to replace all the Acts of all States on the subject. The Central Bill is under the examination of the Govt. There is no provision for the imposition of a minimum fine in the Bill. If such a provision is considered necessary, it may be suggested to the L.G.I. for inclusion in the Bill. The L.G.I. seems in need for fixing a minimum fine

CS
23/9/52

K/24/9/52

24-9-52

S.N.K.
24.9.52

Home Deptt

Home No. 44661 PB/52
24/9/52

The draft order overleaf may issue as amended. (A sentence has been added to para 2 of the draft order w.r.t. X above).

K
29.9.52

No need to amend the draft.

Ile
29.9.52

29/9/1952

Ref.C3.6760/52(2)

S.Kanara Dt.Magistrate's office,
Mangalore dated 24.9.52.

From

SRI C.A.RAMAKRISHNAN,I.C.S.
Dt.Magistrate of ~~South~~ Kanara.

To

The Secretary to Government
Home Department
Fort St. George Madras 9.

ASSISTANT SECRETARY TO GOVERNMENT
27 SEP 1952
HOME DEPARTMENT

Sir,

G.O.R.2901/H
1-10-52

CRIMINAL JUSTICE: Criminal revision petition--C.C.132/52 on the file of the Stationary Sub Magistrate Kasaragod--application-remarks.

pp7-8 of (B)
pp3-9 infra

Ref: Government Memo No.165067 Prisons III-52-1 dated 13.9.52.

I enclose two certified copies of the calendar and judgment in C.C.122/52 on the file of the Stationary Sub Magistrate Kasaragod. The Magistrate reports that the accused is a salesman in a cooperative stores at Kasaragod and that he was offering the milk for sale to a local restaurant 'Sulha Vilas' in Kasaragod town and not to any household family, hospital or orphanage where patients and children are fed, and that he sentenced the accused to a fine of Rs.10/- taking into consideration the above facts and the financial position of the accused.

The explanation of the Stationary Sub Magistrate is not satisfactory. I agree with the ~~Circle~~ Bhadrachalam Sirdar that the fine imposed was too light, and not deterrent. The fact that the accused is a salesman in a cooperative shop only makes matters much worse. The High court may be moved for enhancement of the scheme.

X1

176907
29/9

Yours faithfully,

For Dt.Magistrate.

Enclosures: 2.
IC/25.9.52.

~~26~~

Home Depts

Submitted for perusal of plaintiff. With reference to ~~x~~ on plaint it may be stated that orders ~~were~~ issued in GOR 2901 Homes dt 1.10.52 negativing the proposal after consulting the P.P, Madras. A copy of the GO. together with a copy of the P.P's opinion has gone to the D.M., South Kanara. No action is therefore called for May be lodged and added to (13).

p13 of (13)

& p13 of (13).

KSR
3.10.52

M
3.X.1952

M
3.X.52

Cr. J. Mis. 122.

CALENDAR AND JUDGMENT.

(For use in cases where there is only one accused person.)

District of South Kanara

Calendar of cases tried by the Sty. IInd Magistrate of Kasaragod.

Offence.	Report or complaint.	Apprehension of accused.	Release on bail.	Date of Commencement of trial.	Close of trial.	Sentence or order.
25.5.52	4.7.52	15.7.52	--	15---7---52		

EXPLANATION OF DELAY AND REMARKS—

176905 pre 176907

Judgment in Calendar Case No. 1325 of 1952 on the file of the Sty. II class Magistrate of Kasaragod.

COMPLAINANT Sanitary Inspector, Kasaragod.

Name of accused.	Age.	Father's name
	YRS.	
Shivarama Shetty	26	Laxmana Ballal

Caste or religion.	Calling.	Residence.	Taluk.
Bunt	Salesman	Adk atbail village.	Kasaragod.

Offence Rule 29 read with rule 27(1) framed under sec. 20 of the Prevention of Adulteration Act

Finding Guilty

Sentence To pay a fine of rupees 10/- in default to suffer S.I. for one week.

/True Copy/ 19.9.52 Sty. II class Magistrate

Sd/ H. Ramesh Rao 19.9.52 Sty II Cl. class Magistrate

C.132/52.

$9

JUDGEMENT.

This is a complaint filed by the Sanitary Inspector, Kasaragod Panchayat Board against Shivarama Shetty alleging that he on 23-5-52 sold 12oz. of buffalo milk (at about 8 A.M.) which when got tested by the Government Analyst was found to have been adulterated with water to the extent of 21% and that he has thereby committed the offence punishable under Rule 29 read with Rule 27(1) issued under Section 20 of the Madras Prevention of Adulteration Act.

2. The accused when questioned admits the offence. On his own admission I find him guilty of the offence with which he ~~he~~ is charged and convict and sentence him to pay a fine of Rs. 10/-(ten only) in default to suffer simple imprisonment for one week.

Pronounced in open court.

Sd/- H.Ramesh Rao,
Sty. ~~Sub.~~IInd. Class Magistrate.
15-9-52

APPENDIX.

--Nil--

Sd/- H.Ramesh Rao,
Sty. IInd.Class Magistrate.
15-9-52

/ True Copy/

H.Ramesh Rao
18/9/52
Sty. IInd. Class Magistrate,

Kasaragod.
Dated 18-9-52.

2/1874.

Cr. J. Mis. 122.

CALENDAR AND JUDGMENT.

For use in cases where there is only one accused person

District of South Kanara

Calendar of cases tried by the Sty. IIcl Magistrate of Kasaragod.

Offence.	Report or complaint.	Apprehension of accused.	Release on bail.	Date of Commencement of trial.	Close of trial.	Sentence or order.
25.5.52	4.7.52	15.7.52	—	15—7—52.		

Explanation of Delay and Remarks—

Judgment in Calendar Case No. 132 of 1952 on the file of the Sty. II class Magistrate of Kasaragod.

Complainant Sanitary Inspector, Kasaragod.

Name of accused.	Age.	Father's name.
	Yrs.	
Shivarama Shetty	26	Laxmana Ballal

Caste or religion.	Calling.	Residence.	Taluk.
Bunt	Salesman	Adk atbail village.	Kasaragod.

Offence Rule 29 read with rule 27(1) framed under sec. 20 of the Prevention of Adulteration Act

Finding Guilty

Sentence To pay a fine of Rupees 10/- in default to suffer S.I. for one week.

(True Copy)

Sd/- H. Ramachandra Rao
Sty II nd class Magistrate. 15.7.52

For Sty. II nd. class Magistrate

C.C.132/52.

JUDGEMENT.

This is a complaint filed by the Senitary Inspector, Kaseragod Panchayat Board against Shivarama Shetty alieging that he on 23-5-52 sold 12oz. of buffalo milk (at about 8 A.M.) which when got tested by the Government Analyst was found to have been adulterated with water to the extent of 21% and that he has thereby committed the offence punishable under Rule 29 read with Rule 27(1) issued under Section 20 of the Madras Prevention of Adulteration Act.

2. The accused when questioned admits the offence. On his own admission I find him guilty of the offence with which he he is charged and convict and sentence him to pay a fine of Rs. 10/-(ten only) in default to suffer simple imprisonment for one week.

Pronounced in open court.

Sd/- H.Ramesh Rao,
Sty. Sub.IInd. Class Magistrate.

APPENDIX.

--Nil--

Sd/- H.Ramesh Rao,
Sty. IInd.Class Magistrate.

/ True Copy/

Kaseragod.
Dated 18-9-52.

H.Ramesh Rao
Sty. IInd. Class Magistrate,
1952.